

**AMENDED
APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF NEVADA**

Date of filing in State Engineer's Office SEP 21 2004

Returned to applicant for correction OCT 13 2004

Corrected application filed NOV 16 2004

Map filed NOV 16 2004

The applicant **Best Energy, LLC.** hereby make an application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. **February 25, 2002 State of Nevada**

1. The source of the proposed appropriation is **underground source**
2. The amount of water applied for is **0.03565** second feet.
 - (a) If stored in reservoir give number of acre-feet **N/A**
3. The water to be used for **Industrial Process Facility**
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated **N/A**
 - (b) Stockwater, state number and kind of animals to be watered **N/A**
 - (c) Other use (describe fully under No. 12. "Remarks") **Industrial Facility**
 - (d) Power:
 - (1) Horsepower developed **N/A**
 - (2) Point of return of water to stream **N/A**
5. The water is to be diverted from its source at the following point **SW¼ NW¼ Sec. 23, T19N, R26E, MDB&M, or at a point from which the NW corner of said section 23, bears N20°47'16"W a distance of 1,825.54 feet.**
6. Place of Use **portions of the SW¼ and the NW¼ Section 23, T19N, R26E, MDB&M.**
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works **Drilled well (6" casing) with 1½ HP submersible Pump**
9. Estimated cost of works **\$16,000.00**
10. Estimated time required to construct works **Four (4) weeks**
11. Estimated time required to complete the application of water to beneficial use **One (1) year**
12. Remarks: **Water (4,000,000, gallons per year [±]) is to be used to support the operation of a industrial oil re-refining facility, processing 22,000 gallons of recycled fuel oil on a daily basis.**

By **John P. Solaro, Beat Energy, LLC.**
s/ **John P. Solaro**
687 Edison Way
Reno, NV 89502

Compared sg/ sc lt/gk1

Protested

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued under the provisions of NRS 534.120(2) as a preferred use.

Any well drilled under this permit shall be drilled in what has been described in the United States Geological Survey Water Supply Paper 2263 as the intermediate alluvial aquifer. In no instance shall the seal on this well be less than 100 feet below ground level.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on February 15th of each year.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.03565 cubic feet per second, 4.48 **acre-feet annually**

Work must be prosecuted with reasonable diligence and be completed on or before:

August 8, 2006

Proof of completion of work shall be filed on or before:

September 8, 2006

Water must be placed to beneficial use on or before:

August 8, 2007

Proof of the application of water to beneficial use shall be filed on or before:

September 8, 2007

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 8th day of August A.D. 2005


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A _____

Certificate No. _____ Issued _____